IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.297 OF 2004
WITH
CIVIL APPLICATION NO.391 OF 2004

Smt.P.R.Peris. ..Appellant.

V/s.

C.J.D'Souza & Ors. ..Respondents.

Mr.V.S.Kapse for appellant.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 25, 2006.

P.C. :

1. Heard counsel for the appellant. None appears for the respondents though served.

2. This appeal deserves to be finally disposed of today by continuing ad-interim order granted by this court on 16th March, 2004. The said arrangement has operated from last two years. The Notice of Motion is still pending for consideration before the trial court. I am informed that Notice of Motion is already slated to be heard on 28th April, 2006. In the circumstances, instead of going into any contentious issues raised in this appeal, the present appeal is disposed of while continuing the ad-interim order passed by this court on 16th March, 2004.

3. The Trial Court is directed to decide the Notice of Motion as expeditiously as possible preferably by end of September, 2006.

4. Parties shall extend necessary cooperation to the Trial Court for early decision in the matter. All questions arising in the suit and Notice of Motion are left open, to be decided on its own merits and in accordance with the law, uninfluenced by observations in the impugned order or for that matter the present order.

5. No order as to costs.

6. Civil Application disposed of accordingly.